

AMENDED IN SENATE APRIL 3, 2006

**SENATE BILL**

**No. 1426**

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**Introduced by Senator Denham**

February 22, 2006

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*An act to amend Section 9561 of, and to add Sections 228 and 229 to the Food and Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1426, as amended, Denham. Agriculture.

*Existing law provides that the State Veterinarian may establish quarantine, sanitary, and police regulations as may be necessary to prevent, circumscribe, or exterminate, any condition if he or she believes that a population of domestic animals or food product from animals has contracted, or may carry, an illness, infection, pathogen, contagion, toxin, or condition that, without intervention, could transmit an illness that could kill or seriously damage other animals or humans.*

*This bill would make various finding and declarations regarding multiple new and emerging threats to food producing plants and animals. This bill would establish the Emergency Account in the Department of Food and Agriculture Fund and appropriate \$5,000,000 from the General Fund to that account for detection, emergency eradication, and research on agricultural plant or animal diseases, as specified. This bill would also create the Emerging Threat Intervention Account in the Department of Food and Agriculture Fund and appropriate \$9,000,000 from the General Fund to that account for imposition of quarantines, sanitary, and police regulations as may be needed to prevent, circumscribe or exterminate any condition*

*determined to be necessary by the State Veterinarian because a population of domestic animals or food product from animals has contracted, or may carry, an illness, infection, pathogen, contagion, toxin, or condition, as specified.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law, the California Pest Research Act of 1990, requests that the Regents of the University of California establish a pest research center to review and prioritize pest-related research activities conducted through the university and develop a list of research priorities giving high priority to practices and strategies that address the reduction, control, or eradication of pests that pose the greatest threat to public health and safety or the economy.~~

~~This bill would state legislative intent to provide funding for a program addressing emerging threats to agriculture, as specified.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 228 is added to the Food and*
- 2     *Agricultural Code, to read:*
- 3     *228. The Legislature hereby finds and declares all of the*
- 4     *following:*
- 5         *(a) Food producing plants and animals are threatened by*
- 6         *multiple new and emerging threats for which the Department of*
- 7         *Food and Agriculture has responsibility, however, the existing*
- 8         *infrastructure that supports the department is inadequate to*
- 9         *appropriately deal with these threats due to the lack of necessary*
- 10        *personnel and supporting information systems.*
- 11        *(b) Included among those threats are rapidly spreading*
- 12        *diseases such as foot and mouth, exotic Newcastle disease, avian*
- 13        *influenza, natural disasters, Mexican fruit fly, diaprepes,*
- 14        *leafhopper, and toxins intentionally introduced into the food*
- 15        *chain, especially dairy.*
- 16        *(c) Some of these diseases, avian influenza for instance, have*
- 17        *the potential, if unchecked, to cross over into human populations.*
- 18        *(d) The outbreak of exotic Newcastle disease in California*
- 19        *during 2002 and 2003 cost the taxpayers over one hundred sixty*

1 million dollars (\$160,000,000) and the poultry industry millions  
2 more in lost trade.

3 (e) International experts warn that high pathogenic avian  
4 influenza could reach California poultry as early as August  
5 2006. Outbreaks of highly pathogenic avian influenza among  
6 poultry have been associated with the crossover of the illness  
7 into human populations, killing half of the humans infected.  
8 Experts warn that the longer the disease infects poultry the more  
9 likely the development of a mutant form of the disease that can be  
10 passed from human to human, creating a disastrous pandemic.

11 (f) The farms and ranches threatened are investing millions of  
12 dollars to secure their facilities and improve their preventative  
13 efforts. It is estimated by farming economists at the University of  
14 California, Davis, that over \$1.9 billion dollars a year is invested  
15 in pest management alone.

16 (g) Detection and eradication of outbreaks of exotic pests is  
17 the responsibility of the department, often operating through  
18 local agricultural commissioners. Without the department's  
19 coordination, the efforts of farmers and ranchers could still fail  
20 despite the investment of almost \$2 billion dollars annually,  
21 rendering the state's economy, food supply, and human health  
22 vulnerable.

23 (h) Therefore, the Legislature intends to secure the future by  
24 establishing a program to immediately fund the department's  
25 efforts to modernize its ability to deal with emerging threats.

26 SEC. 2. Section 229 is added to the Food and Agricultural  
27 Code, to read:

28 229. (a) The Emergency Account is hereby created in the  
29 Department of Food and Agriculture Fund.

30 (b) The account shall consist of money transferred from the  
31 General Fund under subdivision (c) and money made available  
32 from federal, industrial, and other sources. Money made  
33 available from federal, industrial, and other sources shall be  
34 available for expenditure without regard to fiscal year only for  
35 detection, emergency eradication, and research on agricultural  
36 plant and animal pests and diseases, during the fiscal year. The  
37 Secretary of Food and Agriculture may expend the funds with the  
38 approval of the Director of Finance. The transferred funds are  
39 not subject to Section 26.0, 28.00, or 28.50 of the Budget Act.

1     (c) (1) *The sum of five million dollars (\$5,000,000) is hereby*  
2 *appropriated from the General Fund to the Emergency Account*  
3 *in the Department of Food and Agriculture Fund and shall be*  
4 *available for expenditure by the department without regard to*  
5 *fiscal year only for the purpose of carrying out the provisions of*  
6 *this article and the regulations adopted to implement them.*

7     (2) *The budget of the department shall not be reduced in any*  
8 *way to offset the addition of these sums except that the provision*  
9 *of funds in accordance with this section shall be in lieu of funds*  
10 *appropriated in accordance with the provisions of subdivision*  
11 *(b) of Section 224. However, the department and the Legislature*  
12 *may further augment these sums in the Budget Act during the*  
13 *regular budget process.*

14     (3) *The appropriation made in paragraph (1) shall hereafter*  
15 *become part of the base funding of the department for the regular*  
16 *budget process.*

17     SEC. 3. *Section 9561 of the Food and Agricultural Code is*  
18 *amended to read:*

19     9561. (a) *The State Veterinarian may establish quarantine,*  
20 *sanitary, and police regulations as may be necessary to prevent,*  
21 *circumscribe, or exterminate, any condition designated pursuant*  
22 *to Section 9562.*

23     (b) (1) *The Emerging Threat Intervention Account is hereby*  
24 *created in the Department of Food and Agriculture Fund.*

25     (2) *The account shall consist of money transferred from the*  
26 *General Fund under subdivision (c) and money made available*  
27 *from federal, industrial, or other sources. Money made available*  
28 *from federal, industrial, or other sources shall be available for*  
29 *expenditure without regard to fiscal year only for the purpose of*  
30 *carrying out the provisions of this article and the regulations*  
31 *adopted to implement them. The transferred funds are not subject*  
32 *to Section 26.0, 28.00, or 28.50 of the Budget Act.*

33     (c) (1) *The sum of nine million dollars (\$9,000,000) is hereby*  
34 *appropriated from the General Fund to the Emerging Threat*  
35 *Intervention Account in the Department of Food and Agriculture*  
36 *Fund and shall be available for expenditure by the department*  
37 *without regard to fiscal year only for the purpose of carrying out*  
38 *the provisions of this article and the regulations adopted to*  
39 *implement them.*

1     (2) *The department shall make at least one million eight*  
2 *hundred thousand dollars (\$1,800,000) of the total appropriation*  
3 *available for contracts with local agricultural commissioners to*  
4 *enhance the logistical capabilities of local agricultural*  
5 *commissioners in support of the State Veterinarian's actions*  
6 *under this article.*

7     (3) *The budget of the department shall not be reduced in any*  
8 *way to offset the addition of these sums. However, the*  
9 *department and the Legislature may further augment these sums*  
10 *in the Budget Act during the regular budget process.*

11     (4) *The appropriation made in paragraph (1) shall hereafter*  
12 *become part of the base funding of the department for the regular*  
13 *budget process only for the purpose of carrying out the*  
14 *provisions of this article and the regulations adopted to*  
15 *implement them.*

16     SEC. 4. *This act is an urgency statute necessary for the*  
17 *immediate preservation of the public peace, health, or safety*  
18 *within the meaning of Article IV of the Constitution and shall go*  
19 *into immediate effect. The facts constituting the necessity are:*

20     *In order to combat merging threats to California's agricultural*  
21 *supply and industry, it is necessary that this act take effect*  
22 *immediately.*

23     ~~SECTION 1. It is the intent of the Legislature to provide~~  
24 ~~funding for a program addressing emerging threats to agriculture~~  
25 ~~coordinated by the Department of Food and Agriculture.~~